

AMENDED IN SENATE AUGUST 20, 2014

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2287

**Introduced by Assembly Member Pan
(Coauthor: Assembly Member Skinner)**

February 21, 2014

An act to add Section 49557.25 to the Education Code, relating to school nutrition, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2287, as amended, Pan. Free and reduced-price meals: gluten-free meals.

Existing

(1) *Existing* law provides for a school lunch program under which eligible pupils receive free or reduced-price meals.

This bill would require school districts and county superintendents of schools to consider incorporating into the free or reduced-price meals application packet or notification of eligibility for the free or reduced-price meals program a notification and request for a gluten-free meal if a child qualifies for free or reduced-price school meals and the child has a statement from a licensed physician supporting a need for gluten-free meals, as specified. The bill would require school districts and county superintendents of schools to consider making meal

substitutions for ~~any pupil~~ *a child* who does not meet the definition of disability pursuant to federal law but does have celiac disease, a wheat allergy, or a gluten intolerance and the ~~pupil~~ *child* has provided a written statement to the school signed by a licensed physician identifying the ~~pupil~~ *child* as having one of these conditions. By imposing additional requirements on school districts and county superintendents of schools, the bill would create a state-mandated local program.

The

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Celiac disease, also known as celiac sprue or gluten-sensitive
4 enteropathy, is a permanent intolerance to the gliadin fraction of
5 wheat protein and related alcohol-soluble prolamines found in rye
6 and barley, commonly known as gluten.

7 (b) For people with celiac disease, exposure to gluten causes
8 an autoimmune condition where the body starts attacking normal
9 intestinal tissue. In response to eating gluten, the body destroys
10 the intestinal villi, which are the small, finger-like projections in
11 the small intestine that absorb nutrients from food. Repeated
12 exposure to gluten, and resulting intestinal inflammation and
13 destruction of the villi, leads to malabsorption of food, iron
14 deficiency anemia, osteopenia, osteoporosis, increased risk of
15 developing other autoimmune disorders, and gastrointestinal
16 cancers.

17 (c) Gluten intolerance and wheat allergies may include reactions
18 in the skin, mouth, gastrointestinal tract, and lungs and cause

1 rashes, wheezing, lip swelling, gassiness, abdominal pain,
2 abdominal distention or constipation, and diarrhea.

3 (d) The National Institutes of Health estimates that 1 in 133
4 people with no genetic risk factors have celiac disease, while up
5 to 1 in 22 people with genetic risk factors have celiac disease.
6 Gluten intolerance and wheat allergy are even more common, with
7 wheat allergy being one of the top eight food allergies in the United
8 States.

9 (e) Federal regulations, Part 15b of Subtitle A of Title 7 of the
10 Code of Federal Regulations, require substitutions or modifications
11 in school meals for children whose disabilities restrict their diets.
12 A child with a disability must be provided substitutions in foods
13 when that need is supported by a statement signed by a licensed
14 physician.

15 SEC. 2. Section 49557.25 is added to the Education Code,
16 immediately following Section 49557.2, to read:

17 49557.25. (a) School districts and county superintendents of
18 schools shall consider incorporating the following information
19 into the free or reduced-price meals application packet or
20 notification of eligibility for the free or reduced-price meals
21 program using simple and culturally appropriate language:

22 (1) A notification that if a child qualifies for free or
23 reduced-price school meals and the child has a statement from a
24 licensed physician supporting a need for gluten-free meals, then
25 the child may request a gluten-free meal.

26 (2) A request for the applicant's consent for the child to receive
27 a gluten-free meal if eligible for free or reduced-price school meals
28 and the child has a statement from a licensed physician supporting
29 a need for gluten-free meals.

30 (b) School districts and county superintendents of schools shall
31 consider making meal substitutions for ~~any pupil~~ *a child* who
32 satisfies all of the following criteria:

33 (1) Does not meet the definition of disability pursuant to federal
34 law.

35 (2) Has celiac disease, a wheat allergy, or a gluten intolerance.

36 (3) Has provided a written statement to the school signed by a
37 licensed physician identifying the ~~pupil~~ *child* as having one of the
38 conditions listed in paragraph (2).

39 (c) Effective January 1, 2015, the notifications referenced in
40 subdivision (a) shall comply with the federal Americans with

1 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and any
2 other applicable federal or state disabled access law.

3 (d) A school district also may include the notifications detailed
4 in subdivision (a) in the notifications at the beginning of the first
5 semester or quarter of the regular school term required pursuant
6 to Section 48980.

7 SEC. 3. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

12 SEC. 4. *This act is an urgency statute necessary for the*
13 *immediate preservation of the public peace, health, or safety within*
14 *the meaning of Article IV of the Constitution and shall go into*
15 *immediate effect. The facts constituting the necessity are:*

16 *In order to ensure that California public schools comply with*
17 *federal regulations to provide gluten-free meal options for pupils*
18 *with celiac disease at the earliest possible time, it is necessary that*
19 *this act take effect immediately.*